

REMARKS

Claims 1-20 and 23-26 are pending in the application. Claim 18 has been amended to depend from claim 1.

As stated on the cover page of the Office Action the present action is non-final. Applicants' note, however, that a typographical error was made in the Office Action, in the inclusion of a standard paragraph regarding final office actions. This paragraph appears at item 11, page 10 of the Office Action and is believed to have been left over unintentionally due to the indication on the cover page and since such a final action would not be appropriate at this time.

As stated in MPEP §706.079(b), it is improper to make final a first Office action in a continuing application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because new issues were raised that required further consideration and/or search. As the Amendment filed August 2, 2005 amended claims that were indicated as raising new issues, a final status of the present Office Action would be improper. Consequently, it is currently being considered as a non-final office action by the Applicants.

Claims 1-8, 12, 16, 18-20, 23-24 and 26 stand rejected under 35 U.S.C. 102(a) as being anticipated by Vuong (US 2004/0017574 A1). Also, claims 9-11 and 13-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong et al. as applied to claims 1-8, 12, 16, 18-20, 23-24 and 26, and further in view of Ferrell et al. US 6,751,343 B1. Claims 17 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong et al. as applied to claim 1 above, and further in view of Wolf, Silicon Processing for VLSI Era, vol. 1, chapter 7 and applicant's admitted prior art.


In response to these rejections, a Declaration by the inventors Cécile Aulnette, Bruno Ghyselen, and Bénédite Osternaud under 37 C.F.R. § 1.131 will be submitted, establishing that conception, coupled with due diligence of the invention as embodied at least in claims 1 and 16 occurred before July 25, 2002, the filing date of Vuong, and that the due diligence continued through the constructive reduction to practice of the claimed invention. The inventors were not able to sign the declaration in time for this submission, and the signed Declaration will be forwarded shortly to supplement the present Amendment.

Thus, the rejections of all of the claims over Vuong are moot, and it is believed that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is

respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

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